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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,230	02/27/2004	Timothy M. Cahill	36352US1	7984

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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/789,230	Applicant(s) CAHILL, TIMOTHY M.	
	Examiner Mike Chambers	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 8 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3-7, 9-11 13,14,16 ,17,19 and 21-22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Booker et al. Booker et al discloses the elements of claim 1, however it fails to clearly disclose the use of a flange that encircles an outer portion of the device. The placement of the flange is a design choice and not a patentable feature. The specification provides no unexpected results in placing the flange at the edge of the device, therefore it is considered a design choice. It would have been obvious to one of ordinary skill in the art to have selected any one of several places on the device to mount the flange based on cost and design considerations.

As to claim 3 : Booker et al discloses an arm and arm receiving structure (fig 1, item 30). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 4 : Booker et al discloses a rod receiving structure (fig 2, L-flange next to item 30 (hole) can receive a rod i e lock shackle). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112).

As to claim 5 : Booker et al discloses a snap fit portion (fig 2). In as much structure set forth by the applicant in the claims, the device is capable of use in the intended manner if so desired (See MPEP 2112). The lock shackle is considered to have a snap fit portion (the shackle).

As to claim 6 : Booker et al discloses a notch (fig 2). In as much structure set forth by the applicant in the claim, the notch between the flanges that receive the rim (support structure) meets the limitations of the claim.

As to claim 7 : Booker et al discloses a plurality of protrusions (fig 2).). In as much structure set forth by the applicant in the claim, the two flanges (22) meet the limitations of the claim.

As to claim 9 : Booker et al discloses protrusions that are concentric with the flange (fig 2, 3). In as much structure set forth by the applicant in the claim, the two flanges (22) meet the limitations of the claim.

As to claim 10 : Booker et al discloses a distance greater than the cross sectional rim diameter (fig 2, 3). The device fits over the rim.

As to claim 11 : Booker et al discloses a flange and protrusion to receive a rim (fig 3).

As to claim 13 : Booker et al discloses a rod (fig 1, item 32). In as much structure set forth by the applicant in the claim, the two flanges (22) meet the limitations of the claim. The specification provides no unexpected results in placing the flange at the edge of the device, therefore it is considered a design choice which is not patentable. It would have been obvious to one of ordinary skill in the art to have selected any one of several places on the device to mount the flange based on cost and design considerations.

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As to claim 14 : Booker et al discloses a rod receiving structure (fig 1, item 32).

As to claim 16 : Booker et al discloses a flange and plurality of protrusions (fig 2).

As to claims 17, and 19 : See claim 1 rejection.

As to claims 21-22: See claim 1 rejection. The device has a first side that is smooth and flat and has a circular configuration.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Booker et al in view of Official Notice. Booker et al discloses the elements of claim 2, however it fails to clearly disclose the use of a unitary structure. Official Notice was taken in a prior office action that the use of unitary structures is well known in the art of goals. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed a unitary structure in order to lower manufacturing costs. (See Davies et al 5,816,948 2:43-49)

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Booker et al in view of Official Notice. Booker et al discloses the elements of claim 12, however it fails to clearly disclose the use of a high-impact polymer composite. Official Notice was taken in a prior office action that the use of high-impact polymer composite is well known in the art of goals. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed a unitary structure in order to decrease the weight of the device and lower manufacturing costs. (See Davies et al 5,816,948 2:43-49)

Also,

Claim 1, 3-7, 9-11 13,14,16 ,17, 19, and, 21-22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll (2710189) in view of Gates (5207789). Carroll discloses the elements of claim 1, however it fails to clearly disclose the use of a flange that encircles an outer portion of the rim. The specification provides no unexpected results in placing the flange at the edge of the device, therefore it is considered a design choice. The use of various types of mechanical holding devices to secure a rim cover is well known in the art. Gates discloses a securing device that encircles a portion of the rim (14). It would have been obvious to one of ordinary skill in the art to have selected the securing device of Gates with the device of Carroll in order to more securely insure the device would not come off during use. In so doing, the ordinary skilled artisan would clearly recognize the annular member to be modified to have an outer diameter larger than the diameter of the rim diameter of the goal.

As to claim 3 : Gates discloses an arm (fig 2, item 12). In as much structure set forth by the applicant in the claims, item 12 can be considered an arm.

As to claim 4 : Gates discloses a rod receiving structure (fig 2, screw hole 24. In as much structure set forth by the applicant in the claims, item 24 can be considered a rod receiving structure .

As to claim 5 : Gates discloses a threaded portion (fig 2).

As to claim 6 : Gates discloses a notch (fig 2, notch next to item 18).

As to claims 7 and 8: Gates discloses a plurality of cylindrical protrusions (item 22 fig 1).

As to claim 9 : Gates discloses a circular path (fig 2, 3).

As to claim 10 : Gates discloses a distance greater than the cross sectional rim diameter (fig 4). The device fits over the rim.

As to claim 11 : Gates discloses a flange and protrusion to receive a rim (fig 4).

As to claim 13 : Gates discloses a rod (fig 1,2, item 24)

As to claim 14 : Gates discloses a rod receiving structure (fig 1, item 32).

As to claim 16 : Gates discloses a flange and plurality of protrusions (fig 1,2,4).

As to claims 17, and 19 : See claim 1 rejection.

As to claims 21-22: See claim 1 rejection. The device has a first side that is smooth and flat and has a circular configuration.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Gates and further in view of Official Notice. The cited art discloses the elements of claim 2, however it fails to clearly disclose the use of a unitary structure. Official Notice was taken in a prior office action that the use of unitary structures is well known in the art of goals. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed a unitary structure in order to lower manufacturing costs. (See Davies et al 5,816,948 2:43-49)

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Gates and further in view of Official Notice. The cited art discloses the elements of claim 12, however it fails to clearly disclose the use of a high-impact polymer composite. Official Notice was taken in a prior office action that the use of high-impact polymer composite is well known in the art of goals. It would have been obvious to one of ordinary

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skill in the art at the time of the invention to have employed a unitary structure in order to decrease the weight of the device and lower manufacturing costs. (See Davies et al 5,816,948 2:43-49)

Allowable Subject Matter

Claims 8 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-16 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

With regards to claim 13: It would appear if more clarity is provided in the existing claim language, the cited art could be avoided. For example—If the limitation [a rod to engage ...] in line 5 were modified to include the limitation [a handle for positioning and removing said annular shaped member; said handle comprising a rod to engage ...], the instant invention would appear to avoid the cited art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is 571-272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2710189*5881583*6572496*5207789*5816948

Michael Chambers
Examiner
Art Unit 3711

April 15, 2005


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700